

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS GARAY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 1:20-cv-00265-BAM

**ORDER REGARDING STAY OF
ACTION**

On February 21, 2020, Plaintiff Carlos Garay, proceeding through counsel, filed the complaint in this action seeking review of a decision of the Commissioner of Social Security. (Doc. No. 1.) On February 24, 2020, the Clerk of Court issued the summons and new case documents, including a Scheduling Order (Social Security Appeal), Order Re Consent or Request for Reassignment, and notice and form of consent to proceed before a magistrate judge. (Doc. Nos. 2, 3.) On April 16, 2020, the Court issued a minute order notifying the parties that, pursuant to General Order Number 615, this action had been stayed pending further order of the Court. (Doc. No. 5.)

General Order Number 615 provides that the stay of civil matters involving the Commissioner is to be lifted on a rolling basis automatically in an individual case when either: i) the Commissioner files a proof of service showing that the certified administrative record has been served on Plaintiff; or ii) the Commissioner files the certified administrative record. Thus, to be effective, the General Order contemplates issuance of a summons and service of the complaint. The Court therefore finds it appropriate to temporarily lift the stay in this case in order to permit service of the summons and complaint on the Commissioner. The stay will be

1 reinstated, as necessary, following service of the complaint.

2 Accordingly, it is HEREBY ORDERED that:

3 1. The stay of this action is lifted for the limited purpose of issuing summons and
4 serving the summons and complaint;

5 2. Plaintiff shall serve the summons, complaint, notice and form of consent to
6 proceed before a magistrate judge, a copy of the Scheduling Order, and a copy of this order on
7 the Commissioner and file proof of service with the Court.

8
9 IT IS SO ORDERED.

10 Dated: September 3, 2020

/s/ Barbara A. McAuliffe
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28